

Introduced by Senator Lara

(Principal coauthor: Assembly Member Mullin)

**(Coauthors: Senators Beall, Block, Hueso, Leno, Mitchell, Torres,
Wright, and Yee)**January 7, 2014

An act to amend Section 234 of, and to add Section 234.6 to, the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

SB 840, as introduced, Lara. Educational equity: local educational agency policies against bullying.

Existing law, the Safe Place to Learn Act, requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified characteristics such as disability, gender, gender identity, race, or sexual orientation, or association with a person or group with one or more of the specified characteristics and adopting a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on the specified characteristics.

Existing law, the Interagency School Safety Demonstration Act of 1985 (the act), requires certain schoolsite councils to develop a comprehensive school safety plan relevant to the needs and resources of that particular school. The act requires the comprehensive school safety plan to identify appropriate strategies and programs that will provide or maintain a high level of school safety, including the development of a discrimination and harassment policy consistent with the Safe Place to Learn Act. The act also requires each school to forward

its comprehensive school safety plan to the school district or county office of education for approval.

This bill would require each local educational agency to develop and implement a policy against bullying, as specified, which includes, at a minimum, a procedure for referring victims of bullying to counseling, mental health, or other health services as appropriate, mandatory training for certificated employees on the prevention, and addressing, of bullying, and a procedure for the documentation of all incidents of bullying that take place within the local educational agency as well as the responsive actions taken, if any. The bill would require the local educational agency to forward the documentation of the bullying incidents to the department.

By requiring local educational agencies to develop and implement a bullying policy and to report certain information to the departments, this bill would increase the duties of local school officials and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 234 of the Education Code is amended
- 2 to read:
- 3 234. (a) This article shall be known, and may be cited, as the
- 4 Safe Place to Learn Act.
- 5 (b) It is the policy of the State of California to ensure that all
- 6 local educational agencies continue to work to reduce
- 7 discrimination, harassment, violence, intimidation, and bullying.
- 8 It is further the policy of the state to improve pupil safety at schools
- 9 and the connections between pupils and supportive adults, schools,
- 10 and communities.
- 11 (c) *The Legislature finds and declares that any form, type, or*
- 12 *level of bullying is unacceptable and every incident needs to be*

1 *taken seriously by local educational agency administrators and*
2 *staff, and by pupils and their families.*

3 SEC. 2. Section 234.6 is added to the Education Code, to read:

4 234.6. Notwithstanding any other law, each local educational
5 agency shall develop, in collaboration with interested stakeholders,
6 and implement a policy against bullying. Collaborating
7 stakeholders shall include, but be not limited to, school
8 administrators and staff, pupils and their families, and the
9 community. The policy shall include, at a minimum, all of the
10 following:

11 (a) A procedure for referring victims of bullying to counseling,
12 mental health, or other health services, as appropriate.

13 (b) Mandatory training for certificated employees on the
14 prevention of, and how to address, bullying.

15 (c) A procedure for the documentation of all incidents of
16 bullying that take place within the local educational agency and
17 the responsive actions taken, if any. Incidents documented shall
18 not be limited to incidents that resulted in suspension or expulsion.
19 The local educational agency shall report this information to the
20 department in a manner to be determined by the department.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.